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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**

12  
13 **DAVID MELVIN and J.L.**, individually  
and on behalf of all others similarly  
14 situated,

15 *Plaintiffs,*

16 v.

17 **23ANDME, INC.**, a Delaware corporation,

18 *Defendant.*  
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Case No.: 3:24-cv-00487-EMC

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
TO TRANSFER THIS ACTION TO *IN RE:*  
23ANDME, INC., CUSTOMER DATA  
SECURITY BREACH LITIGATION, NO. 3:24-  
MD-03098-EMC (N.D. CAL.)**

Judge: Hon. Edward M. Chen  
Courtroom 5

1 Plaintiffs David Melvin and J.L. (“Plaintiffs”) and Defendant 23andMe, Inc. (“Defendant”  
 2 or “23andMe”) (together, the “Parties”), submit this stipulated request that the Court transfer this  
 3 Action to *In re: 23andMe, Inc., Customer Data Security Breach Litigation*, No. 3:24-md-03098-  
 4 EMC (N.D. Cal.) pursuant to Judicial Panel on Multidistrict Litigation Rule 7.2(a) and Civil Local  
 5 Rule 7-12 of the United States District Court for the Northern District of California. In support, the  
 6 Parties state as follows:

7 WHEREAS, on December 21, 2023, Defendant 23andMe filed a Motion for Transfer and  
 8 Consolidation of Defendant 23andMe, Inc. Litigation Pursuant to 28 U.S.C. § 1407 (“Transfer  
 9 Motion”) with the Judicial Panel on Multidistrict Litigation (the “Panel”) seeking to the centralize  
 10 the 31 actions that were filed at the time of the Transfer Motion as well as subsequently filed “tag-  
 11 along” actions, and to transfer them to the United States District Court for the Northern District of  
 12 California, (*see In re 23andMe, Inc.*, MDL No. 3098, ECF No. 1 (J.P.M.L. Dec. 21, 2023));

13 WHEREAS, on January 26, 2024, this Action was filed in the Northern District of  
 14 California, (ECF No. 1), and the Panel was notified that this Action is a potential tag-along action,  
 15 (MDL No. 3098, ECF No. 60, ECF No. 60-1);

16 WHEREAS, on February 1, 2024, this Action was deemed related to the first-filed action  
 17 against 23andMe, *Santana, et al. v. 23andMe, Inc.*, No. 3:23-cv-05147-EMC (N.D. Cal), and was  
 18 reassigned to this Court for all further proceedings, (*Santana*, No. 3:23-cv-05147-EMC, ECF No.  
 19 65 (N.D. Cal. Feb. 1, 2024));

20 WHEREAS, on April 11, 2024, the Panel entered a Transfer Order finding that the actions  
 21 subject to the MDL Petition and all of the potential tag-along actions of which it was notified,  
 22 including the instant Action, “share common questions of fact,” (MDL No. 3098, ECF No. 89 at 1);

23 WHEREAS, the Panel transferred the 31 actions that were the subject of the MDL Petition  
 24 along with the tag-along actions that were pending *outside* of the Northern District of California to  
 25 this Court for coordinated or consolidated pretrial proceedings, (*see id.*);

26 WHEREAS, pursuant to Judicial Panel on Multidistrict Litigation Rule 7.2(a), when a  
 27 potential tag-along action is pending in the transferee district, the Panel will not take action and,  
 28 instead, the parties “should request assignment of such actions to the Section 1407 transferee judge

in accordance with applicable local rules,” J.P.M.L. Rule 7.2(a);

WHEREAS, to the extent this Action has not already been centralized by virtue of its relation to the *Santana* Action, the Parties believe it should be centralized in *In re: 23andMe, Inc., Customer Data Security Breach Litigation*, No. 3:24-md-03098-EMC (N.D. Cal.) in light of the Panel’s Transfer Order and the Panel’s findings stated therein;

**NOW, THEREFORE**, pursuant to J.P.M.L. Rule 7.2(a) and Civil Local Rule 7-12, the Parties respectfully stipulate and request that this Action be transferred to join the related cases in *In re: 23andMe, Inc., Customer Data Security Breach Litigation*, No. 3:24-md-03098-EMC (N.D. Cal.).

Respectfully Submitted,

**DAVID MELVIN** and **J.L.**, individually and on behalf of all others similarly situated,

Dated: April 18, 2024

By: /s/ J. Eli Wade-Scott  
One of Plaintiffs’ Attorneys

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1 Dated: April 18, 2024,

By: /s/ Rebekah S. Guyon  
One of Defendant's Attorneys

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13 *Counsel for Defendant 23andMe, Inc.,*

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15 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)**

16 I, J. Eli Wade-Scott, attest that concurrence in the filing of this document has been obtained  
17 from the other signatories.

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed this 18th day of April, 2024 at Chicago, Illinois.


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21 /s/ J. Eli Wade-Scott  
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~~**[PROPOSED]**~~ **ORDER**

PURSUANT TO STIPULATION, the Court transfers this Action to the following: *In re:*  
*23andMe, Inc., Customer Data Security Breach Litigation*, No. 3:24-md-03098-EMC (N.D. Cal.).

IT IS SO ORDERED

Dated: April 22, 2024



Hon. Edward M. Chen  
United States District Judge